

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 25, 2021

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

DALE L.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-cv-03073-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 20, 24

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 24, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represent Plaintiff. Attorney Leisa Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will first determine whether the record
8 supports a finding of disability. If the case requires further development the
9 Appeals Council will instruct the ALJ to:

- 10 • Reevaluate the medical opinions including the opinions of
11 consultative examiner William Drenguis, M.D., treating physician
12 Rex Quaempts, M.D., and State Agency Medical Consultant, Norman
13 Staley, M.D.;
- 14 • As necessary, obtain appropriate medical expert evidence to provide
15 longitudinal overview and clarify the nature, severity, and limiting
16 effects of Plaintiff's medically determinable back and upper extremity
17 impairments throughout the period at issue;
- 18 • Reassess Plaintiff's residual functional capacity and intensity,
19 persistence, and limiting effects of his symptoms consistent with
20 Social Security Ruling 16-3p;

- If necessary, obtain additional vocational expert testimony;
- Further develop the record, offer Plaintiff the opportunity for a new hearing, and take any further action needed to complete the administrative record; and
- Issue a new decision.

ECF No. 24 at 2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 20**, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED March 25, 2021.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE